

REMARKS

The above amendment and these remarks are responsive to the Office action of 12/18/03 by Examiner Hai V. Nguyen.

Claims 1-20 are in the case, claims 18-20 being newly added. No claims have yet been allowed.

35 U.S.C. 101

Claims 11-13 and 16 have been rejected under 35 U.S.C. 101 as directed to non-functional descriptive material.

Applicants assert that in each of the claims any descriptive material is clearly functional. MPEP 2106(IV)(B)(1), cited by the Examiner, states regarding functional descriptive material:

“When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.”

Applicants have amended claims 11-13 and 16 to recite the computer or computer readable medium, and request that these claims be allowed as amended.

35 U.S.C. 103

Claims 1-13 have been rejected under 35 U.S.C. 102(3) [sic, 103(a)] over Albers et al. (U.S. Patent 6,223,188 B1) in view of Ball et al. (U.S. Patent 6,366,933 B1), and claims 14-20 over Albers and Ball in view of "well known features of using computer program product stored on a computer readable medium".

Applicants have amended each of the independent claims to more clearly recite that before the head request is submitted to the server the user establishes predefined configuration parameters consisting only of one or both of data type and data size. This allows the browser to determine, based on data type and/or data size received in head and the predefined configuration parameters, whether to issue a request for the entire file without further input from the user.

Albers and Ball are employed to deal with different problems.

In the case of Ball, the HEAD command is used to retrieve the Last-Modified field from a W3 document for use in deciding when a page has been changed. (See Ball, Col.

11, lines 62-64 and Col. 12, lines 35-46). Ball's versioning is determined at the server, and is not based on a profiled or predetermined configuration set up by the customer, and the threshold is based on date of last visit, not type or size of the file.

In the case of Albers, when the user cursor hovers over a link, information regarding what is on that link is displayed to the user, who must then decide whether or not to download the linked material.

Thus, Albers teaches providing size and type information via visual or sound queues to a user who must then determine whether to download the linked-to file. Ball teaches a threshold based on date. Neither use, as applicants teach and claim, a predetermined, user defined configuration or profile.

All independent claims 1, 2, and 11-17 are directed to the concept of predefining configuration parameters based on user input consisting only of one or both of data size and data type and of using the HEAD request to determine from the file header the file size and type AND THEN ONLY WHEN the file size and file type match the predefined

configuration parameters issuing a GET request to download the data portion of the file.

The Examiner takes official notice "that it is well known in the networking art to utilize a computer readable medium...", and thus far the applicants are in agreement. However, the Examiner continues "...for the storing an execution of the method and apparatus in order to a Form on the network." [Emphasis added.] As to this, applicants traverse. The antecedent of the word "the", insofar as it can be construed to encompass applicants claimed method and system, reaches too far. Further, the phrases "the storing an execution" and "in order to a Form on the network" are not clear as to their meaning, leaving applicants unable to formulate a response. Accordingly, the Examiner is respectfully requested to withdraw the rejection of Claims 14-20 under 35 U.S.C. 103(a), and allow Claims 14-20. However, if the Examiner maintains this rejection, Applicants respectfully request that the Examiner provide an affidavit attesting to this statement pursuant to 37 CFR 1.104(d) (2).

The Examiner takes official notice "that it is well known in the networking art to utilize a program storage

device readable by a machine...”, and thus far the applicants are in agreement. However, the Examiner continues “...for storing and execution of the method and system in order to adjust web display.” [Emphasis added] As to this, applicants traverse. The antecedent of the word “the”, insofar as it can be construed to encompass applicants claimed method and system, reaches too far. Also, the phrase “adjust web display” does not appear to relate to applicants claimed invention. Accordingly, the Examiner is respectfully requested to withdraw the rejection of Claims 14-20 under 35 U.S.C. 103(a), and allow Claims 14-20. However, if the Examiner maintains this rejection, Applicants respectfully request that the Examiner provide an affidavit attesting to this statement pursuant to 37 CFR 1.104(d) (2).

Applicants respectfully assert that neither Albers nor Ball teach, nor in combination teach, the invention now set forth in claims 1-20.

SUMMARY AND CONCLUSION

Applicants urge that the above amendments be entered and the case passed to issue with claims 1-20.

Applicants believe that the case is now in condition for allowance. However, in the event that the Examiner finds otherwise, applicants request that the Examiner call their attorney at the number indicated below to determine if a way can be found to put the case in condition for allowance without further prosecution.

Sincerely,

R. G. Hartmann, et al.

By



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